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November 10, 2005

VIA FACSIMILE

To: Examiner Shefali Patel
Group Art Unit No. 2621
U.S.P.T.O.

Facsimile No.: (571) 273-8300

From: Scott M. Tulino
Sean M. McGinn

Facsimile No.: (703) 761-2375 (76)

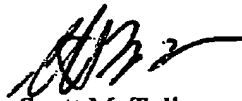
Re: Petition Under 37 C.F.R. § 1.181 to Enter Request for Continued Examination
U.S. Patent Application Serial No. 10/895,173
Our Ref: SHL042

Dear Examiner Patel:

Enclosed is a Petition Under 37 C.F.R. § 1.181 to Enter Request for Continued Examination, which we request that you enter.

Thank you in advance for your consideration on this case.

Very truly yours,


Scott M. Tulino
Sean M. McGinn

SMT:SMM
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SHI.042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Satoshi Hoshino

Serial No.: 09/895,173

Group Art Unit: 2621

Filed: July 2, 2001

Examiner: Shefali Patel

For: ELECTRONIC JOURNAL PREPARATION SYSTEM AND ELECTRONIC
JOURNAL PREPARATION METHODHonorable Commissioner of Patents
Alexandria, VA 22313-1450
Box AF**PETITION UNDER 37 C.F.R. § 1.181**
TO ENTER REQUEST FOR CONTINUED EXAMINATION

Sir:

Applicant herein petitions under 37 C.F.R. § 1.181 to enter the request for continued examination (RCE) filed on October 13, 2005 for the above-referenced Application.

In a Notice Of Improper Request for Continued Examination dated October 27, 2005, Legal Instruments Examiner Butler alleged that the RCE filed on October 13, 2005 is improper because the request was not accompanied by a submission as required by 37 C.F.R. 1.114. Applicant, however, respectfully disagrees.

That is, on the RCE Transmittal, Applicant checked the box for a previously filed submission. Applicant respectfully submits that two separate previous submissions were filed prior to filing the RCE. Indeed, on August 8, 2005 Applicant filed a Response to the Final Office Action dated May 17, 2005 (copy attached hereto for the Examiner's convenience along with the USPTO Auto-Reply Facsimile Transmission filing receipt).

PETITION UNDER 37 C.F.R. § 1.181 TO ENTER RCE
U.S. Application Serial No. 10/895,173

Applicant respectfully submits that this Response constitutes a first previously filed submission.

Furthermore, on August 31, 2005 Applicant filed a Supplemental Amendment (a copy of which is attached hereto along with the USPTO Auto-Reply Facsimile Transmission filing receipt). Applicant respectfully submits that this Supplemental Amendment constitutes a second previously filed submission.

In a telephonic interview with Legal Instruments Examiner Butler, the Examiner indicated that the Supplemental Amendment filed on August 31, 2005 was not considered a Submission because the Supplemental Amendment was non-compliant (the Examiner alleged that the Supplemental Amendment was missing a portion of claim 7).

Applicant respectfully submits that, even if the Supplemental Amendment filed on August 31, 2005 was non-compliant (Applicant's records indicate that a complete listing of claims was filed with the Supplemental Amendment filed on August 31, 2005), the remarks section of the Supplemental Amendment, which includes Applicant's Statement of the Substance of Interview, constitutes a submission as required by 37 C.F.R. 1.114.

Furthermore, even assuming, *arguendo*, that the Supplemental Amendment filed on August 31, 2005 is not a submission as required by 37 C.F.R. 1.114, the Response filed on August 8, 2005 is clearly a submission as required by 37 C.F.R. 1.114.

Therefore, Applicant respectfully petitions that the Notice of Improper Request for Continued Examination be withdrawn and that the RCE filed on October 13, 2005 be entered.

PETITION UNDER 37 C.F.R. § 1.181 TO ENTER RCE
U.S. Application Serial No. 10/895,173

Please charge any deficiencies and/or credit any overpayments necessary to enter this paper to Attorney's Deposit Account number 50-0481, and a conditional Petition for Extension of Time is made herein should it be necessary.

Respectfully Submitted,

Date: November 10, 2005



Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2621, at (571) 273-8300, on November 10, 2005.

Respectfully Submitted,

Date: November 10, 2005



Scott M. Tulino, Esq.
Reg. No. 48,317

Sean M. McGinn, Esq.
Reg. No. 34,386

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AMSTERDAM, MD OFFICE
FREDERICA W. OGBURN
RODMAN & S. BARBARI
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August 8, 2005

VIA FACSIMILE

To: Examiner Sheffali O. Patel
(Group Art Unit No. 2621)
U.S.P.T.O.

From: Scott M. Tulino, Esq.

Re: Enclosed Response Under 37 C.F.R. § 1.116
U.S. Patent Application Serial No. 09/895,173
Our Reference: SHI.047

Facsimile No.: (571) 273-4300
Facsimile No.: (703) 761-2375

Dear Examiner Patel:

Enclosed is our Response Under 37 C.F.R. § 1.116, which we request that you enter and which should place the above-referenced case in condition for allowance.

Thank you in advance for your kind consideration on this case.

Very truly yours,

Scott M. Tulino, Esq.
Sean M. McGinn, Esq.

SMT:SMH:lg
Enclosure

Total No. of Pages Transmitted: 9

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†MEMBER OF BAR OTHER THAN VA

ANNAPOLIS, MD OFFICE
FREDERICK W. GIBB, III
MOHAMMAD S. RAHMANT
PAMELA M. RILEY†

August 8, 2005

VIA FACSIMILE

To: Examiner Shefali D. Patel
Group Art Unit No. 2621
U.S.P.T.O.

Facsimile No.: (571) 273-8300

From: Scott M. Tulino, Esq.

Facsimile No.: (703) 761-2375


Re: Enclosed Response Under 37 C.F.R. § 1.116
U.S. Patent Application Serial No. 09/895,173
Our Reference: SHL042

Dear Examiner Patel:

Enclosed is an Response Under 37 C.F.R. § 1.116, which we request that you enter and which should place the above-referenced case in condition for allowance.

Thank you in advance for your kind consideration on this case.

Very truly yours,


Scott M. Tulino, Esq.
Sean M. McGinn, Esq.

SMT:SMM:lg
Enclosure

Total No. of Pages Transmitted: 9

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Serial No. 09/895,173
Docket No. OSP-10752

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Satoshi Hoshino

Serial No.: 09/895,173

Group Art Unit: 2621

Filed: July 2, 2001

Examiner: Shefali D. Patel

For: ELECTRONIC JOURNAL PREPARATION SYSTEM AND ELECTRONIC
JOURNAL PREPARATION METHOD

Honorable Commissioner of Patents
Alexandria, VA 22313-1450
Box AF

RESPONSE UNDER 37 C.F.R. §1.116

Sir:

In response to the Office Action dated May 17, 2005, please reconsider the rejection currently of record in the above-identified application in view of the following remarks:

INTRODUCTORY COMMENTS

Remarks begin on page 2 of this paper.

Serial No. 09/895,173
Docket No. OSP-10752

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REMARKS

Claims 1-11 are all of the claims presently pending in the application. The claims have not been amended by the present Response.

Entry of this Response is believed proper since no new issues are being presented to the Examiner, which would require further consideration and/or search.

Claims 1-2, 4-5 and 10-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sato et al. (JP No. 06-068339) (hereinafter "Sato"). Claims 3 and 6-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Hanna et al. (U.S. Patent No. 6,761,308) (hereinafter "Hanna").

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention of exemplary claim 1, is directed to an electronic journal preparation system (and method) including a customer transaction data image processing portion for forming an image regarding customer transaction data (e.g., see Application at page 2, lines 11-13). This feature allows the present invention to provide an electronic journal preparation system (and method) in which the personal history backgrounds are difficult to alter (see Application at page 2, lines 5-7).

II. THE PRIOR ART REFERENCES**A. The Sato Reference**

The Examiner alleges that Sato teaches the claimed invention of claims 1-2, 4-5 and 10-11. Applicant submits, however, that there are elements of the claimed invention, which are neither taught nor suggested by Sato.

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Docket No. OSP-10752

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That is, Sato does not teach or suggest an electronic journal preparation system including "*a customer transaction data image processing portion for forming an image regarding customer transaction data*" as recited in claim 1 and similarly recited in claim 4.

The Examiner alleges that Sato discloses an electronic journal preparation system including a customer transaction data processing portion for forming an image regarding customer transaction data. The Examiner attempts to rely on paragraph [0015] lines 19-26 and paragraph [0016] lines 4-7 of Sato to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in these passages (nor anywhere else for that matter) does Sato teach or suggest an electronic journal preparation system including a customer transaction data image processing portion for forming an image regarding customer transaction data. Indeed, Sato merely teaches the prior art system (and method) as described in the specification of the Application (see Application at page 1, lines 13-24).

That is, Sato teaches an electronic journal system that collectively displays on a CRT 23 the contents of a user's journal dealing data and a user's photograph. Sato merely teaches inputting and displaying dealings journal data (see Sato at paragraph [0016]). Sato does not teach or suggest, however, forming an image regarding customer transaction data.

In contrast, in the claimed invention (of exemplary claim 1), the customer transaction data is stored in the electronic journal as image data, which is synthesized by the journal data synthesizing portion. The present invention is far more effective than the conventional technique, used by Sato, which stores data as numerical values (text), in preventing the transaction data from unauthorized alteration. When data is stored as numerical values, it is easy to alter the data by use of a keyboard even without using a particular tool. That is, it is possible to alter the data on the automatic teller machine. When the customer transaction

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Docket No. OSP-10752

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data, however, is converted into image data (as in the claimed invention), it is impossible to alter the image data on the ATM because an image editor is required for altering the image data.

The Examiner attempts to rely on the image processing section 3 of Sato as teaching a customer transaction data image processing portion for forming an image regarding customer transaction data. However, the Examiner is clearly incorrect.

Applicants point out that the Examiner must consider the plain meaning of the language of the claims as well as the plain meaning of the language of the prior art references. That is, the Examiner's latitude to provide a reasonably broad interpretation to Appellants' claim language does not extend to the prior art. In this instance, the plain meaning of Sato clearly states that an image input device photographs a user. The image processing section 3 changes the analog data from the image input device into a digital signal (see Sato at paragraph [0015]).

Nowhere does the plain meaning of Sato teach or suggest that the image processing section (or any other portion of the device in Sato) forms an image regarding customer transaction data. Sato merely teaches inputting a photograph of a user and changing the photo to a digital signal.

Furthermore, nowhere does Sato even mention storing customer transaction data as an image, let alone teach or suggest a customer transaction data image processing portion for forming an image regarding customer transaction data. Moreover, Sato does not even mention preventing customer transaction data from being altered. Sato is directed to merely displaying a user's photograph with the user's bank dealing data.

Moreover, nowhere does Sato teach or suggest that "*said customer transaction data image processing portion formats the customer transaction data into a table for imaging the*

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table after executing a service by a service execution portion" as recited in exemplary dependent claim 10.

The Examiner attempts to rely on Figures 9A-9D and 15, and paragraphs 39 and 22-24 of Sato to support his allegations. The Examiner, however, is clearly incorrect.

That is, Sato states that "[a]s seen in the figures, the customer information is formatted as a table" (see Office Action dated May 17, 2005 at page 4).

Applicants respectfully submit however, that Figures 9A-9D merely depict a CRT displaying step-by-step instructions for a user to operate the CRT. This is clearly explained in paragraphs [0022]-[0024] of Sato. Nowhere in this passage nor Figures 9A-9D does Sato even mention displaying customer transaction data, let alone teach or suggest formatting the customer transaction data into a table, as alleged by the Examiner.

Regarding Figure 15, Sato merely teaches displaying the image of a camera. Sato does not, however, teach or suggest formatting the customer transaction data into a table (see Sato paragraph [0039]). It appears that the Examiner is attempting to rely solely on Figures 9A-9D of Sato to support his allegation. Applicant submits that it is improper for the Examiner to read such limitations into the figures without considering the plain meaning of the prior art specification as well. That is, nowhere do Figures 9A-9D nor 15 teach or suggest formatting the customer transaction data into a table, and the plain meaning of the language of Sato fails to provide support for the Examiner's allegations.

Therefore, if the Examiner wishes to maintain this rejection, Applicant respectfully requests the Examiner to specifically point the language in Sato, which teaches or suggests the limitation claimed in exemplary dependent claim 10.

Additionally, if the Examiner wishes to maintain this rejection, Applicants respectfully requests the Examiner to provide a formal UPSTO translation of Sato if he

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wishes to maintain his rejection based on the Sato reference.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Sato. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B. The Hanna Reference

The Examiner alleges that Hanna would have been combined with Sato to form the claimed invention of claims 3 and 6-9. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicants submit that these references would not have been combined as alleged by the Examiner. That is, the Examiner can point to no motivation or suggestion in the prior art references to justify such a combination. Sato and Hanna are each directed to different problems and different means for solving those problems.

Specifically, Sato is directed to an electronic journal system in which a transaction operated by plural automatic transaction devices can be instantaneously retrieved and displayed in a batch, whereas Hanna is directed to a banking apparatus that dispenses and receives currency in the form of notes and coins. One of ordinary skill in the art would not refer to a reference directed to a banking apparatus that dispenses notes and coins to solve the problems of the system in Sato. Therefore, these references are completely unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Moreover, neither Sato nor Hanna, nor any combination thereof teaches or suggests an electronic journal preparation system including *"a customer transaction data image*

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Docket No. OSP-10752

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processing portion for forming an image regarding customer transaction data" as recited in claim 1 and similarly recited in claim 4.

Indeed, the Examiner merely attempts to rely on Hanna as allegedly suggesting inserting a watermark into customer transaction data. The Examiner relies on column 33, lines 44-55 of Hanna to support his allegations.

Nowhere, however, in this passage (nor anywhere else for that matter) does Hanna teach or suggest an electronic journal preparation system including a customer transaction data image processing portion for forming an image regarding customer transaction data. Indeed, the Examiner has not even alleged that Hanna teaches or suggests this recited feature.

Thus, Hanna fails to make up deficiencies of Sato.

Therefore, Applicant submits that these references, even if combined, would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw these rejections.

III. FORMAL MATTERS AND CONCLUSION

Applicants point out that the Information Disclosure Statement (IDS) filed on November 25, 2002 has not yet been acknowledged by the Examiner. Applicant respectfully requests the Examiner to acknowledge the IDS filed on November 25, 2002 and to initial each reference on the corresponding form PTO-1449 (a copy of which is included herewith for the Examiner's convenience).

In view of the foregoing, Applicant submits that claims 1-11, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

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Docket No. OSP-10752

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: August 8, 2005


Scott M. Tulino, Esq.
Registration No. 48,317Sean M. McGinn, Esq.
Registration No. 34,386

McGinn & Gibb, PLLC
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
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I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2621, at (571) 273-8300, on August 8, 2005.

Respectfully Submitted,

Date: August 8, 2005

Scott M. Tulino, Esq.
Reg. No. 48,317Sean M. McGinn, Esq.
Reg. No. 34,386

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August 31, 2005

VIA FACSIMILE

To: Examiner Stefani D. Pami
Group Art Unit No. 2621
U.S.P.T.O.

Facsimile No.: (371) 273-8500

From: Scott M. Tullio
Sean M. McGinn

Facsimile No.: (703) 761-2375 (76)

Re: Enclosed Supplemental Amendment under 37 C.F.R. 1.116
U.S. Patent Application Serial No. 09/895,173
Our Ref: SH1042

Dear Examiner Pami:

Enclosed is a Supplemental Amendment Under 37 C.F.R. 1.116, which we request that you enter and which should place the above-referenced case in condition for allowance.

Thank you in advance for your consideration on this case.

Very truly yours,

Scott M. Tullio
Sean M. McGinn

SMT
Enclosure
Total No. of Pages Transmitted: 12

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August 31, 2005

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Group Art Unit No. 2621
U.S.P.T.O.

Facsimile No.: (571) 273-8300

From: Scott M. Tulino
Sean M. McGinn

Facsimile No.: (703) 761-2375 (76)

Re: Enclosed Supplemental Amendment under 37 C.F.R. 1.116
U.S. Patent Application Serial No. 09/895,173
Our Ref: SHL042

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Sean M. McGinn

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Serial No. 09/895,173
Docket No. OSP-10752

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Satoshi Hoshino

Serial No.: 09/895,173

Group Art Unit: 2621

Filed: July 2, 2001

Examiner: Shefali Patel

For: ELECTRONIC JOURNAL PREPARATION SYSTEM AND ELECTRONIC
JOURNAL PREPARATION METHOD

Honorable Commissioner of Patents
Alexandria, VA 22313-1450
Box AF

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. §1.116

Sir:

Further to Applicant's Response filed on August 8, 2005 and further in response to the Office Action dated May 17, 2005, please amend the above-identified application as follows:

INTRODUCTORY COMMENTS

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper. No new matter has been added.

Remarks begin on page 5 of this paper.

Serial No. 09/895,173
Docket No. OSP-10752

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AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows:

1. (Currently Amended) An electronic journal preparation system comprising:
a face image pick-up portion for picking up a face image of a customer by a fixed camera;
a card embossed image pick-up portion for picking up a card embossed image from a bank card when said customer inputs said bank card;
a customer transaction data image processing portion for forming an image regarding customer transaction data;
a journal data synthesizing portion for synthesizing as a single image, a journal data by assembling said face image picked up by said face image pick-up portion, said card embossed image picked up by said card embossed image pick-up portion, and said customer transaction data image picked up by said customer transaction data image processing portion;
and
a journal data storing portion for storing said journal data synthesized by said journal data synthesizing portion into an electronic recording medium provided in the electronic journal preparation system.
2. (Currently Amended) An electronic journal preparation system according to claim 1, wherein said journal data synthesizing portion adds character data to a header portion of said journal data.
3. (Currently Amended) An electronic journal preparation system according to claim 1,

Serial No. 09/895,173

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wherein said journal data synthesizing portion inserts a watermark into said customer transaction data.

4. (Currently Amended) An electronic journal preparation method comprising:
picking up a face image of a customer by a fixed camera in an electronic journal preparation system;
picking up a card embossed image from a bank card when said customer inputs said bank card;
forming an image of customer transaction data;
synthesizing as a single image, said face image, said card embossed image, and said customer transaction data image into journal data; and
storing said journal data into an electronic recording medium provided in the electronic journal preparation system.
5. (Previously Presented) An electronic journal preparation method according to claim 4, further comprising:
adding character data of said customer transaction data to a header portion of said journal data.
6. (Previously Presented) An electronic journal preparation method according to claim 4, further comprising:
inserting a watermark data in said journal data.
7. (Original) An automatic teller machine which uses an electronic journal preparation

Serial No. 09/895,173
Docket No. OSP-10752
system according to claim 1.

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8. (Original) An unmanned contracting machine which uses an electronic journal preparation system according to claim 1.

9. (Original) A counseling terminal which uses an electronic journal preparation system according to claim 1.

10. (Previously Presented) An electronic journal preparation system according to claim 1, wherein said customer transaction data image processing portion formats the customer transaction data into a table for imaging the table after executing a service by a service execution portion.

11. (Currently Amended) An electronic journal preparation system according to claim 1, wherein said journal data synthesizing portion ~~synthesizes the face image, the card embossed image and the customer transaction data image into a single image and~~ adds the customer transaction data image as a character data to a header for an index.

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REMARKS

Claims 1-11 are all of the claims presently pending in the application. Claims 1, 4 and 11 have been amended to more particularly define the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

As a preliminary matter, Applicant's representative would like to thank the Examiner for courtesies extended in the personal interview conducted on August 16, 2005.

An Examiner's Interview Summary Record (PTOL-413) was provided by the Examiner at the personal interview.

Applicant submits this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, the following was discussed:

A. Identification of claims discussed:

Claims 1, 4, 10 and 11 were discussed.

B. Identification of prior art discussed:

Sato.

C. Identification of principal proposed amendments:

None.

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D. Brief Identification of principal arguments:

Sato does not teach or suggest an electronic journal preparation system including “*a customer transaction data image processing portion for forming an image regarding customer transaction data*” as recited in claim 1 and similarly recited in claim 4.

Indeed, Sato merely teaches the prior art system (and method) as described in the specification of the Application (see Application at page 1, lines 13-24).

That is, Sato teaches an electronic journal system that collectively displays on a CRT 23 the contents of a user’s journal dealing data and a user’s photograph. Sato merely teaches inputting and displaying dealings journal data (see Sato at paragraph [0016]). Sato does not teach or suggest, however, forming an image regarding customer transaction data.

In contrast, in the claimed invention (of exemplary claim 1), the customer transaction data is stored in the electronic journal as image data, which is synthesized by the journal data synthesizing portion. The present invention is far more effective than the conventional technique, used by Sato, which stores data as numerical values (text), in preventing the transaction data from unauthorized alteration. When data is stored as numerical values, it is easy to alter the data by use of a keyboard even without using a particular tool. That is, it is possible to alter the data on the automatic teller machine. When the customer transaction data, however, is converted into image data (as in the claimed invention), it is impossible to alter the image data on the ATM because an image editor is required for altering the image data.

The Examiner attempts to rely on the image processing section 3 of Sato as teaching a customer transaction data image processing portion for forming an image regarding customer transaction data. However, the Examiner is clearly incorrect.

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Applicants point out that the Examiner must consider the plain meaning of the language of the claims as well as the plain meaning of the language of the prior art references. That is, the Examiner's latitude to provide a reasonably broad interpretation to Appellants' claim language does not extend to the prior art. In this instance, the plain meaning of Sato clearly states that an image input device photographs a user. The image processing section 3 changes the analog data from the image input device into a digital signal (see Sato at paragraph [0015]).

Nowhere does the plain meaning of Sato teach or suggest that the image processing section (or any other portion of the device in Sato) forms an image regarding customer transaction data. Sato merely teaches inputting a photograph of a user and changing the photo to a digital signal.

Furthermore, nowhere does Sato even mention storing customer transaction data as an image, let alone teach or suggest a customer transaction data image processing portion for forming an image regarding customer transaction data. Moreover, Sato does not even mention preventing customer transaction data from being altered. Sato is directed to merely displaying a user's photograph with the user's bank dealing data.

Additionally, Applicant's representative argued that Sato did not teach or suggest synthesizing said face image, said card embossed image, and said customer transaction data image into journal data into a single image.

E. Results of the Interview:

The Examiner was not persuaded by Applicant's arguments. That is, the Examiner maintained that Sato teaches forming an image as seen in Figure 15. Additionally, the Examiner indicated that the limitation of synthesizing portions into a single image is not clear

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from the claimed invention. The Examiner, however, indicated that Sato (taken alone or in combination with the secondary reference Hanna) does not teach or suggest synthesizing the face image, the card embossed image, and the customer transaction data image into journal data into a single image.

Therefore, the Examiner indicated that amending the claimed invention to recite synthesizing the face image, the card embossed image, and the customer transaction data image into journal data into a single image would overcome the current rejections based on the cited prior art references.

Conclusion

Applicant respectfully disagrees with the Examiner. That is, Applicant maintains that Sato (taken alone or in combination with Hanna) does not teach or suggest an electronic journal preparation system including "a customer transaction data image processing portion for forming an image regarding customer transaction data" as recited in claim 1 and similarly recited in claim 4.

However, merely in an effort to speed prosecution, Applicant has amended claim 1 (and similarly claim 4) to recite, inter alia, "a journal data synthesizing portion for synthesizing as a single image, a journal data by assembling said face image picked up by said face image pick-up portion, said card embossed image picked up by said card embossed image pick-up portion, and said customer transaction data image picked up by said customer transaction data image processing portion" (emphasis added by Applicant).

Applicant respectfully submits that the feature of synthesizing the face image, the card embossed image, and the customer transaction data image into journal data into a single image was clearly recited in dependent claim 11 (which was added in Applicant's

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Amendment filed on October 29, 2004). Therefore, Applicant has merely incorporated the subject matter of claim 11 into independent claims 1 and 4.

Therefore, entry of this Supplemental Amendment is believed proper since no new issues are being presented to the Examiner, which would require further consideration and/or search.

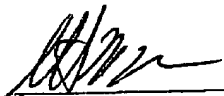
In view of the foregoing, Applicant submits that claims 1-11, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: August 31, 2005



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I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2621, at (571) 273-8300, on August 31, 2005.

Respectfully Submitted,

Date: August 31, 2005



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FIRST NAMED APPLICANT

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DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 10-13-05 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions concerning this notice to:

Patricia A. McInnis, Technology Center 2600
(703) 305-1226

FORM PTO-2051 (Rev. 7/2003)